

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 18-0643V

UNPUBLISHED

DEBRA JUNO,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 15, 2021

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Shoulder Injury Related to Vaccine  
Administration (SIRVA)

*Bridget Candace McCullough, Muller Brazil, LLP, Dresher, PA, for Petitioner.*

*Debra A. Filteau Begley, U.S. Department of Justice, Washington, DC, for Respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On May 8, 2018, Debra Juno filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that following an influenza (“flu”) vaccination on October 10, 2016, she suffered from a Vaccine Table injury, namely shoulder injury related to vaccine administration (“SIRVA”). Petition at 1. Petitioner further alleges that her injuries lasted for more than six months. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 15, 2021, Respondent filed his Rule 4(c) report in which he states that he does not contest that Petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, Respondent states that “while preserving his right to

<sup>1</sup> Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

appeal the Chief Special Master's September 13, 2021 finding that the onset of petitioner's right shoulder pain took place within 48 hours of her flu vaccination, respondent accepts this ruling as the law of the case for purposes of further proceedings before the Office of Special Masters." *Id.* at 5. Respondent further states that based on the fact ruling and medical evidence submitted, he will not continue to defend the case on other grounds and requests that I issue a ruling on the existing record regarding Petitioner's entitlement to compensation. *Id.* at 2, 6.

**In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master